

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

TEXAS TOP COP SHOP, INC. *et al.*,
Plaintiffs,
v.

MERRICK GARLAND, ATTORNEY
GENERAL OF THE UNITED
STATES, *et al.*,
Defendants.

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CIVIL ACTION NO. 4:24-CV-00478

**STATE OF TEXAS’S UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN SUPPORT OF PLAINTIFFS**

Texas moves for leave to file a brief as *amicus curiae* in support of Plaintiffs. Counsel for the Plaintiffs are unopposed. Counsel for Defendants are also unopposed, but notes that because the motion is fully brief, Defendants are reserving the right to respond to the filing if they deem it warranted. Plaintiffs are challenging the constitutionality of the Corporate Transparency Act (“CTA”), which affects the State of Texas, Texas residents, and Texas businesses. The CTA takes a swipe at the quintessentially state-controlled area of corporate law. And the costs from this Act are staggering. Texas takes seriously its longstanding and primary role in regulating corporations—that is, “entities whose very existence and attributes are a product of state law.” *CTS Corp. v. Dynamics Corp. of Am.*, 481 U.S. 69, 89 (1987). Texas is also concerned with Congress overstepping its traditional zone of authority when it abuses its enumerated Commerce Clause power. And Texas is sensitive to the ways burdensome legislation (and its implementing regulations) hurts Texans and Texas small businesses. The CTA triggers all three of these concerns. Plaintiffs have already explained the law’s many problems. So in this brief, Texas

explains how the Commerce Clause cannot justify the CTA, how the CTA disrupts the balance of federalism, and how the CTA burdens the State and all Texans.

Dated: December 2, 2024

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that on December 2, 2024, I conferred with counsel for Plaintiffs and Defendants, who are unopposed to this motion.

/s/ Christina Cella
Christina Cella

CERTIFICATE OF SERVICE

I certify that on December 2, 2024, a true and accurate copy of the foregoing document was filed electronically via CM/ECF with the Clerk of the Court of the United States District Court for the Eastern District of Texas.

/s/ Christina Cella
Christina Cella